

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-3227

United States of America,

Appellee,

v.

Victor Ray Jackson,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: March 6, 2003
Filed: March 13, 2003

Before BOWMAN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Victor Ray Jackson pleaded guilty to attempting to employ, use, persuade, induce, and entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct with reason to know that such visual depiction would be transported in interstate commerce. See 18 U.S.C. § 2251(a) (2001). The District Court¹ sentenced him to 210 months of imprisonment and 5 years of supervised release. On appeal, his counsel has moved to withdraw and has

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that U.S.S.G. § 4B1.5 (2001), which provides enhanced penalties for sex offenders against minors, should not have been applied to Jackson because he was not convicted of a “covered sex crime.” We affirm.

Jackson stipulated that he had agreed to pay the victim to meet him and to engage in sexually explicit conduct, which he would photograph, and we thus agree with the District Court that Jackson’s pleaded-to offense was a “covered sex crime” under section 4B1.5. See U.S.S.G. § 4B1.5, cmt. n.2 (“covered sex crime” includes offense against minor under Chapter 110 of Title 18 of United States Code, but specifically excludes trafficking in, receipt of, or possession of child pornography, or recordkeeping offense).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel’s motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.